

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Hervé BURGAUD et al.)	Group Art Unit: 1796
)	
Application No.: 10/611,968)	Examiner: Eisa B. ELHILO
)	
Filed: July 3, 2003)	Confirmation No.: 3634
)	
For: DYE COMPOSITION FOR)	
KERATIN FIBERS CONTAINING)	
AN ALDEHYDE PRECURSOR,)	
ENZYME AND HYDRAZONE,)	
AND METHODS USING THIS)	
COMPOSITION)	<u>VIA EFS-WEB</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF POSSIBLE PTO ERROR IN THE DETERMINATION OF PATENT TERM
ADJUSTMENT AND REQUEST FOR REVIEW OF CALCULATION**

As required by 65 FED. REG. 56387 (September 18, 2000), Applicants notify the Patent and Trademark Office (PTO) of a possible error in the patent term adjustment. Applicants confirm receipt of the Notice of Determination of Patent Term Adjustment under 35 U.S.C. § 154(b) dated May 15, 2009.

The Notice indicates that the PTO has determined that the patent term adjustment period for this application is 787 days. Applicants respectfully request that the PTO review the calculation for Patent Term Adjustment in this case.

Applicants point out that the Notice to File Missing Parts of Non-Provisional Application was mailed on September 29, 2003, and not on October 29, 2003, as indicated in the Patent Term Adjustment History on Private PAIR. Accordingly, the time

period between mailing of the Notice to File Missing Parts of Non-Provisional Application, and filing of the additional application filing fees, is 91 days. Thus, based on Applicants' calculation, the period of adjustment of patent term due to Applicant delay should be 242 days, rather than 211 days as the PTO calculated.


Accordingly, at this stage of prosecution, Applicants respectfully submit that there may be grounds for a patent term adjustment of 756 days.

Please charge any necessary fees required to enter this paper to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 22, 2009

By: 
Kimberly D. Smith
Reg. No. 63,219